

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Martin PIMENTAL-Rodriguez,

Defendant

Magistrate Docket No.

08 MJ 1574


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

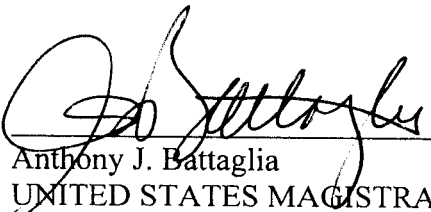
The undersigned complainant, being duly sworn, states:

On or about **May 18, 2008** within the Southern District of California, defendant, **Martin PIMENTAL-Rodriguez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **MAY, 2008**


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Martin PIMENTAL-Rodriguez****PROBABLE CAUSE STATEMENT**

On May 18, 2008, Border Patrol Agent A. Preciado was performing line watch duties in an area known as the "39 Bowl." This area is approximately three miles west of the San Ysidro, California, Port of Entry and is approximately two hundred yards north of the United States/Mexico International Boundary.

At approximately 1:55 P.M., Border Patrol Agents V. Arguello and Preciado responded to a seismic intrusion device activation. Both agents responded to the area and observed an individual later identified as the defendant **Martin PIMENTAL-Rodriguez**, hiding in brush. Agent Preciado identified himself as a United States Border Patrol Agent and questioned the defendant as to his country of citizenship and nationality. The defendant freely admitted that he was a citizen and national of Mexico without any immigration documentation permitting him to enter or remain in the United States legally. The defendant was placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on June 22, 1999 through El Paso, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.